

2 The Claims as Amended Overcome the Obviousness-Type Double Patenting Rejections of Sections 10, 11, 12 and 13 of the Office Action

Each of the obviousness-type double patenting rejections set forth in sections 10, 11, 12, and 13 of the Office Action depends on the contention that the inherent ability of the conjugates to traverse the blood brain barrier renders the claimed invention obvious. However, the arguments and amendments discussed in Section 1 above show that the pending claims cannot be deemed invalid based on the doctrine of inherency. The obviousness-type double patenting rejections of sections 10, 11, 12, and 13 of the Office Action are overcome based on the same arguments and amendments, and the pending claims are in condition for allowance.

3 The Obviousness-Type Double Patenting Rejections of Sections 14 and 15 of the Office Action are Invalid Because They are Based on a Sister Divisional Application

As the applicants' former patent counsel discussed with the Examiner in the telephone interview of March 5, 2004, the Ekwuribe et al. reference (09/429,798) forming the basis of the obviousness-type double patenting rejections of sections 14 and 15 of the Office Action, is a divisional sister application to the present application, and is therefore technically unavailable for use as a reference against the present application. The applicants appreciate the Examiner's agreement in the telephone interview that he will, upon verification of the relationship between the applications, withdraw these two rejections.

4 Conclusion

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Based on the amendments and arguments presented above, the applicants believe that the pending claims are now in condition for allowance. If the Examiner has any questions about the present Amendment, a telephone interview is requested.


If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

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